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SUMMARY RECORD OF THE 125th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 26 January 1994, at 10 a.m.

Chairperson: Mrs. BADRAN

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 5) (continued)

Belarus (continued) (CRC/C/3/Add.14)

1. The CHAIRPERSON recalled that the purpose of the dialogue with the Committee was to have a clear understanding of the situation of children in the reporting country. The Committee was interested in any action taken by the State party since its ratification of the Convention on the Rights of the Child that was likely to improve the situation as well as in any problems concerning implementation, whether longstanding or due to recent economic, social or political developments. Moreover, it was recognized that there was room for improvement in the situation of children's rights in all countries and the aim was thus to seek ways of overcoming the current difficulties with the assistance, if necessary, of other United Nations agencies and non-governmental organizations (NGOs).

2. She invited the Belarusian delegation to reply to the questions put by members of the Committee at the previous meeting, stressing that with a view to facilitating the dialogue the delegation should not hesitate to seek further clarificatons, if necessary.

3. Mrs. SIVOLOBOVA (Belarus) said that her delegation would do its utmost to ensure that the Committee fully understood the situation in her country and would also clear up a number of misunderstandings that had arisen during the previous meeting due to technical problems. She then drew attention to an error in the English version of the report (CRC/C/3/Add.14): the number of Belarusians in the population of the Republic was in fact 10,151,800. The remaining discrepancies in the information relating to the population and its composition would be clarified by the delegaton upon its return to Belarus and forwarded in due course to the Committee.

4. Mrs. LEONOVA (Belarus) said that before replying to specific questions, she would provide additional clarifications on the issues listed under "General measures of implementation". She confirmed that there were in fact no obstacles impeding the incorporation of the provisions of the Convention in Belarusian law, despite the fact that when answering specific questions her delegation had indicated that the implementation of the Convention had been hindered by the absence of appropriate mechanisms for that purpose. There were, however, other major problems such as the legislative legacy left by the former Soviet Union.

5. Following the declaration of sovereignty by Belarus and the disintegration of the former Soviet Union, it had been decided that Soviet legislation would be valid on the territory of the Republic only in so far as it did not conflict with existing Belarusian laws and pending the drafting of appropriate new legislation. In the former Soviet Union, basic legislation laid down at the highest level and covering such vital issues as citizenship and criminal matters, had been applicable throughout the Union. Individual republics had had their own criminal and civil codes, the contents of which had been basically identical to those of Soviet legislation. There had also

been some specific legislation to take account of cultural differences which in general had applied to the Republics of Central Asia and the Caucasus.

6. As a newly independent Republic, Belarus had been anxious to establish an appropriate legal framework along lines similar to other democracies in the developed world. Unfortunately, despite the priority accorded to drafting new legislation during the difficult period of transition towards democracy the new Government had had many other problems to deal with and the drafting process had been slow and had been further impeded by the shortage of legal experts qualified to do such work. It had to be acknowledged that in the three years since the ratification of the Convention there had not been sufficient time to make the improvements required and to set up the appropriate mechanisms; however, through its dialogue, the delegation hoped to demonstrate that Belarus was determined to ensure full implementation of the provisions of the Convention in the near future.

7. In response to the request by Mr. Kolosov for additional information on specific legislation relating to children and the relevant provisions contained in more general legislation, she referred the Committee to paragraph 41 of the report which mentioned some of those laws. The principal legislation in Belarus relating to children and minors was the Rights of the Child Act, and to a lesser degree, the Act on State Allowances for Families bringing up Children. Other relevant legislation included the Act on General Principles of State Youth Policy, article 7 of which set forth the rights of young people (up to the age of 25) in society and underlined the special protection accorded by the State to minors. The legislation on health protection contained special provisions for mothers and children. Furthermore, under article 8 of the Act on Culture, the State was required to provide for the cultural development and education of children. There were also two relevant sections in the Labour Code listing the requirements for the employment conditions and education of young people including minors. The Belarusian Criminal Code contained specific provisions regulating the criminal liability of minors. Likewise, under the relevant provisions of the Civil Code, as of the age of 15 young people acquired limited legal capacity which entitled them to dispose of their own income earned inter alia, through small business transactions.

8. The Citizenship Act of the Republic of Belarus also contained very detailed provisions governing the citizenship of children and any changes thereto. One of the questions raised had been whether under Belarusian legislation the views of children were duly taken into account when there was any change in the citizenship of either parent, in particular the mother in the case of marriage to a foreign citizen. She confirmed that such a requirement existed under Belarusian legislation and referred the Committee to articles 9 to 12, 22 and 24 to 28 of the Citizenship Act which gave details of the relevant procedures. However, in general, the status of the child remained unchanged provided that one of its parents retained Belarusian citizenship. Article 14 of the same Act stipulated that the marriage or divorce of a Belarusian citizen to the national of another State or a person of no legal nationality should not affect the citizenship of the spouse, unless the person in question made an official application to the contrary. The procedures for changing the citizenship of a young person under the age of 16 required written notification by the parents where they were nationals

of different States. Moreover, any changes to the citizenship of a child under the age of 16 was subject to parental consent. Likewise, article 4 established that the acquisition, loss or renewal of citizenship of a young person aged between 16 and 18 was only possible by means of written application, which must be certified by the relevant consular or diplomatic authorities in the case of a child living outside the territory of the Republic of Belarus.

9. In response to comments regarding the apparent contradiction between the provisions of article 16 of the Convention regarding the child's right to privacy and the information contained in paragraph 48 of the report, she recalled that in its introductory statement her delegation had requested the deletion of that paragraph, since it considered that the private life of a child was a much broader concept than the secrecy of its correspondence and its communications. As far as the prospects for the legislative protection of that right were concerned, she said that such legislation already existed in the form of article 25 of the Rights of the Child Act, which provided that every child had the right to live on its own if circumstances so allowed, subject to the provision of material assistance by the State and under the supervision of the relevant tutelary authorities. It was also worthwhile noting that under article 62 of the Marriage and Family Code parents were responsible for the upbringing, health and physical, spiritual and moral development of their children. The same article stipulated that such parental obligations should not conflict with the interests of the child. It was the responsibility of the tutelary authorities to defend children's interests where parents for a variety of reasons were unable to fulfil their parental obligations or violated the rights of their children. Where necessary the tutelary authority should provide practical assistance or seek an appropriate alternative solution.

10. As to the State's obligation to preserve the inviolability of the child, some details of which were given in paragraph 49 of the report, she said that the rights of the child were protected in the first instance by the fact that many such violations were classified as a criminal offence. For instance, parents or guardians who committed or allowed offences such as premeditated murder, serious bodily harm, or placed the life of the child in their custody at risk were liable to criminal prosecution. It was also an offence to violate the provisions of the Labour Code relating to minors. Other violations of the rights of young persons or minors classified as criminal offences included rape, sexual intercourse and kidnapping. Acts committed against minors by officials in the discharge of their duties also involved criminal liability.

11. Regrettably, no practical steps had thus far been taken to prevent the illegal exploitation of children, although the provisions of article 21 of the Rights of the Child Act prohibited any coercive acts to entice them into employment. It was true that there was an increase in the numbers of minors involved in commercial activities in Belarus such as delivering newspapers.

12. Belarusian law provided for penalties in respect of infringements of the rights protected by articles 31 and 32 of the Rights of the Child Act. For instance, officials employed in detention centres who abused their authority incurred disciplinary action and/or dismissal. Where there was evidence that

they had violated the physical or moral integrity of the children under their supervision they were liable for prosecution under the relevant provisions of the Criminal Code.

13. Mrs. DROZD (Belarus), in response to queries raised at the 124th meeting, explained that article 23 of the Rights of the Child Act under which children's organizations were prohibited from engaging in political activities, did not contradict articles 2 and 13 of the Convention for citizens were only entitled to express their political views and to exercise the other rights enshrined in the Constitution and national legislation upon reaching the age of majority, which in Belarus was 18 years. It was not a matter of obstructing the expression of political views but rather banning the activities of children's organizations set up for political purposes.

14. As to the pioneers and Komsomol movements, although they still existed in Belarus they now had very few members. New children's organizations were being set up in the country: at present there were 23 registered youth organizations and associations, including the boy scouts.

15. The CHAIRPERSON invited the members of the Committee to put questions to the Belarusian delegation in connection with the list of issues entitled "Family Environment and Alternative Care" issued in document CRC/C.5/WP.3., which read as follows:

"Family environment and alternative care

(Arts. 5, 18, paras. 1-2, 10, 27, para. 4, 20, 21, 11, 19, 39 and 25 of the Convention)

1. What is the present status of the draft Marriage and Family Code?

2. Please provide some concrete facts about cases of sanctions against offences which constitute violation of the rights or infringement of the lawful interests of a child by parents or persons having custody of the child (para. 56 of the report).

3. Are the legal provisions on allowances referred to in paragraph 59 of the report actually providing for the full support and upbringing of children?

4. What is the role of non-governmental organizations in monitoring the upbringing of children left without parental care (para. 61 of the report)? Is the State financial support to be provided for children being brought up in a family after being deprived of parental care based on a minimal wage or average wage or the consumer basket (para. 61)?

5. What is the explanation for the growth in the number of children adopted internationally (para. 63 of the report)? Are there any plans to join The Hague Convention (29 May 1993) on protection of children and cooperation in respect of inter-country adoptions?"

16. Mrs. EUFEMIO said she would welcome more information in connection with issues Nos. 4 and 5.

17. Mr. HAMMARBERG said that from the information contained in the report and that provided by other sources on mounting social, economic and other pressures made the disintegration of the family unit in Belarus seem likely. He asked what measures were being envisaged to prevent such a situation and wondered what priority was being given to parental education.

18. Mrs. SARDENBERG said that the report mentioned a wide variety of institutions providing alternative care for children. She sought clarification as to how exactly those institutions differed and to which categories of children they applied.

19. Mrs. SIVOLOBOVA (Belarus), in response to the question regarding the role of non-governmental organizations in monitoring the upbringing of children without parents, said that there were a number of social support organizations which worked closely with government bodies. One such, recently constituted organization, "Our Children", had taken on the task of visiting all children's institutions and foster homes to provide children with New Year presents. It was but one example of non-governmental organizations working closely with the Government.

20. With regard to mother and child care generally, she said that the financial crisis in her country had not led to the disappearance of the support system that had been built up over the years. Local and national Government made every effort to attend to the needs of children and mothers. Apart from the legislation already mentioned, action that had been taken to deal with the emerging situation in Belarus included improved provision for maternity leave: mothers were entitled to spend up to three years at home after the birth of the child and to be released from work before the birth earlier than before. Benefits were also paid to mothers who took in orphaned children and the general provision of benefits was higher. Several programmes were planned for the near future, including the promotion of family planning and the preparation of young people for marriage.

21. Regarding the differences between the various types of institution for children needing care, she said that orphanages catered both for orphans and for children deprived of their parents, for whatever reason. Those who had parents, but whose home life was unsatisfactory could be sent to boarding schools. Ideally, however, children should be part of a family, so every effort was made to place them in foster homes, if possible with relatives, who received State benefits for fulfilling that role; failing that, family-type children's homes had been set up and it was planned to establish an entire village consisting of such homes.

22. Mrs. DROZD (Belarus) said, in relation to the increasing numbers of adoptions by foreigners, that the Ministry of Education intended to establish a national adoption centre to deal with the problems that had arisen over the adoption of school-age children suffering from deficiencies in their physical and mental development. Article 25 of the Rights of the Child Act stated that when such a child could not be placed in a family in Belarus, citizens of another country could adopt the child in his or her own interests; any kind of financial benefit was forbidden. Such adoption had to conform to the rules laid down by the Council of Ministers and Belarus had been cooperating on the issue with other countries over the previous two years. She added that

preparatory work was under way for adhering to the 1993 Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption.

23. Miss MASON asked what measures were in place to ensure continued financial maintenance by an absent parent, whether as a result of divorce, the emigration or death of one parent or the placement of the child in an institution.

24. Mr. KOLOSOV said that in the Russian Federation, in cases of divorce, custody was almost invariably given to the mother. The result had often been that the mother had prevented access to the child by the father or his family, to the extent that an organization had been set up in Moscow to protect fathers' rights. He wondered how far the situation was the same in Belarus with regard to access by fathers. He stressed that he was inquiring about the actual situation, not merely the legislative provisions.

25. Mrs. EUFEMIO expressed her concern at the possibility that adoption could be a commercial transaction, particularly in the case of local prospective adoptive parents, who had easy access to the biological parents. The same concern applied to foreign adoptive parents; although the Belarus statement that it was for the authorities to determine which children could be adopted by foreigners was reassuring, she had understood from another source - a seminar on seeking family-based alternatives for children in eastern Europe - that it was possible for foreign adoptive parents to select Belarusian children for adoption. She inquired whether it was open to foreign adoptive parents to adopt a child on payment of a fee - which was tantamount to selling the child - or whether any investigation was made into the situation of prospective adoptive parents.

26. Mrs. LEONOVA (Belarus) said that it had been noted that more children had been adopted in 1992. Action taken by the Ministries of Education, Foreign Affairs and Justice had resulted in the formulation of a directive by the Council of Ministers relating to checks on prospective adoptive parents, but as yet it did not have the force of law. There were many applications by adoptive parents and priority was given to local people. If an application came from foreigners, they were required to have documents of authorization from the Ministries of Education and Foreign Affairs and from their own consulate. She strongly refuted the possibility that adoptions could be carried out for commercial gain, arguing that the fact that biological parents lost all their parental rights once the adoption had taken place made the liklihood of money changing hands very small. With regard to Mr. Kolosov's point, it was true that in cases of divorce custody was commonly given to the mother, even if the father was in a better position to maintain the child. The situation was changing, however, and Belarus had its own fathers' organization, which worked for fathers' right of access and their ability to obtain custody.

27. Mr. KOLOSOV considered that that proved his point that fathers were at a disadvantage. There were no analogous mothers' organizations, after all. He therefore asked how far in practice mothers could block the father's access to the child.

28. Mrs. LEONOVA (Belarus) acknowledged that fathers had been at a disadvantage and had set up their organization for that reason.

29. Mr. HAMMARBERG said that the issue was both controversial and important. In the Committee's view it was not right to equate the child's rights with those of the parents. Its concern was always for the child's interests in all cases, including the situation in which the child was caught in a struggle between the parents. He therefore inquired whether the role of the father's organization was to protect the child's right to see the father or to give priority to the father's rights. If the latter, the Committee was not sympathetic.

30. Miss MASON, noting that measures were being drawn up to ensure that the best interests of the child were respected in the matter of intercountry adoption, inquired how, in such cases, the child could "retain the right to citizenship, property, housing and material support from the State" (para. 62 of the report). She also, at the request of the Belarusian delegation, repeated her earlier question.

31. Mrs. SIVOLOBOVA (Belarus), replying to the earlier question, said that an absent parent was obliged to pay 25 per cent of his income where there was one child in the family, and 33 per cent for two or more children. A similar system had been introduced in September 1993 for children in boarding schools: the parents were required to pay fees amounting to 20 per cent of their income. Previously, the State had paid all expenses. She added that in the event of the death of the breadwinner, the child was paid a special benefit. As for the matter of obtaining maintenance from a parent who had emigrated, the picture was still rather confused. There were no proper statistics, but it was known that difficulties arose when one parent was in one of the other Republics of the former USSR.

32. Mrs. LEONOVA (Belarus) added that there were continuing legislative problems over the technicalities of emigration. Belarus had recently signed an agreement with the Russian Federation on the acceptability of the rouble in both countries, but no such agreement had yet been reached with other foreign Governments.

33. The CHAIRPERSON drew attention to the section of the list of issues entitled "Basic Health and Welfare" issued in document CRC/C.5/WP.5 which read:

"Basic health and welfare

(Arts. 6 para. 2, 23, 24, 26, 18 para. 3 and 27 paras. 1-3 of the Convention)

1. What are the priorities to establish a practical programme in the field of health care. How do you plan to control the recent epidemics and monitor the immunization level in the country?

2. Are the State allowances for families bringing up children based on minimum or average wages (para. 67 of the report)?

3. Please indicate the prevailing situation in relation to antenatal care attendance, health personnel for antenatal care and general health services, percentage of attendance and accessibility of pregnant mothers to hospital care and delivery, main causes of maternal and perinatal mortalities.

4. How is the law on social protection of the disabled in the Republic of Belarus implemented in practice? Please provide statistical data to this effect (para. 7 of the report).

5. The report notes the major efforts to increase baby-food production. What is the Government's policy in the area of breast-feeding promotion?"

34. Mrs. BELEMBAOGO noted that the report of Belarus mentioned a number of programmes aimed at improving health care for mothers and children. Their objectives were admirable; but she drew attention to the report of a UNICEF/WHO Mission, with the participation of UNDP/UNFPA, which stated:

> Health services are being threatened ... Clinical services are being rapidly depleted of drugs and supplies, with no replenishment in sight; ruptures in vaccine stocks threaten to lead to epidemics of infectious childhood diseases ... The onerous expense of programmes to mitigate the consequences of Chernobyl are diverting badly needed resources from the deteriorating health infrastructure and more generally applicable public health concerns. Family planning is an important unmet need. Abortion is the most common form of birth control, and is used with such frequency as to have delterious effects on fertility, the incidence of gynaecological ailments, perinatal mortality and congenital defects. There is only limited access to a restricted range of contraceptives.

In the light of that report she asked the delegation of Belarus to comment on the financing of the programmes mentioned in their report and reiterated the question posed the previous day: had there been any move to request help from international organizations in studying the health situation? Such a study was essential and could best be carried out with foreign expert assistance and financial support. She read out another passage from the UNICEF/WHO report:

> A programme to diagnose genetic defects during the early stages of pregnancy has been developed but implementation will cost $500,000, mainly for the purchase of equipment. This programme has been shelved due to the absence of hard currency.
>
> There is no family life or sex education for youth and teenagers usually get their information from friends. Although a course entitled "Ethics for family life" was recently introduced in secondary schools, it does not treat the issue of contraception. As for professional training, family planning is not included in the medical school curriculum.

She added that such a situation clearly contributed to the high incidence of abortion. Despite the goodwill of the Government there were evident inadequacies and she invited the delegation to comment on how the situation could be redressed.

35. Mr. MOMBESHORA requested more information on baby food production and breast-feeding. He wished to know how long mothers were encouraged to breast-feed, given that it was recognized worldwide that breast-feeing was beneficial to a child physically and psychologically, and might even reduce the effects of radiation. He also echoed Mrs. Belembaogo's concern regarding abortion; family planning was not only useful in itself, but also gave the opportunity to provide counselling for mothers. He inquired how existing family planning clinics were organized - whether they were run as government ministries or as quasi-governmental organizations - and how they were financed. He was also concerned about the training received by staff at such clinics, since it was essential to win the confidence of potential users. He further asked whether the organization of family planning had been decentralized. Turning to the question of preparing children for adulthood, he said that tradition was losing ground all over the world. He wondered whether there was any move to introduce sex education in schools rather than replying on the traditional approach.

36. Mr. KOLOSOV said that, as in Russia, the Republic of Belarus based assistance on a percentage of minimum wages. However, in the interests of social justice, it would be more expedient for the calculations to be based on minimum subsistence requirements. He asked what Belarus was doing to improve the system of benefit calculation and what measures the Government was taking to ensure that the level of health care for children in rural areas matched that of towns.

37. Mrs. SARDENBERG said, in relation to issue No. 5 on efforts to increase baby-food production, that the situation in Belarus seemed to be giving cause for concern. Therefore, what measures were being taken to improve the situation and what initiatives in terms of international cooperation had been introduced?

38. Mrs. SIVOLOBOVA (Belarus) said that the Republic boasted a wealth of highly skilled experts who were drafting or actively implementing programmes to improve the overall situation in Belarus. However, the major problem affecting all walks of life was one of finance. One casualty of the shortage of resources was the 1989 all-round scientific and practical programme to improve health care for mothers and children which, so far, had been implemented only in part.

39. Under the nationwide programme for baby-food production between 1991 and 1995, plans had been laid for the construction or rebuilding of factories producing baby foods. However, once again, the stumbling block had been finance and the practical implementation of the programme had run into problems. There was also difficulty in importing baby foods from abroad due to a shortage of hard currency. In October 1993, the Government of Belarus had allocated $3.5 million for the purchase of equipment for three dairy produce plants. It was hoped that the programme would be operative by 1995.

40. Although every encouragement was given to women who wanted to breast-feed their children, most women in Belarus found that they were unable to produce enough milk naturally and had to rely on substitute foods. Paediatricians were on hand to advise mothers on breast-feeding and if necessary, suitable

alternatives. There was only one factory in Belarus producing milk-based baby food and unfortunately, many babies had developed a serious allergic reaction to such foodstuffs.

41. Turning to the question on assistance for pregnant women, she said that material support was being provided in the form of special allowances and prenatal counselling. Women expecting twins received an ad hoc payment and then a grant based on four times the minimum wage.

42. With regard to the question on breast cancer, she said that it was a serious problem in Belarus. A broad-based oncological research programme was under way and the Republic had been successful in providing care and treatment for women suffering from breast cancer, especially when the disease had been detected at an early stage. Operations had proved particularly successful.

43. The 1989 practical programme to improve health care for mothers and children had helped to improve their situation. For example, there had been some 758 cases of measles in 1989, but only 286 in 1992. Similar improvements had been seen with regard to other infectious diseases including diphtheria, with only 22 cases in 1992. However, Belarus was facing serious problems in terms of a shortage of essential medicines, the early diagnosis of diseases among children and getting medicines and equipment to the institutions needing them. However, over the previous three to four years there had been an improvement in special care for children. More beds in hospitals and clinics had been made available and progress made in oncology.

44. The major problem in terms of bringing medical treatment in rural areas up to the standard of care in towns was the lack of fuel in recent times and getting the necessary treatment to children in local hospitals.

45. Sex education had been introduced into secondary schools, with lectures being delivered by specialists and doctors. For three years the ethics of sexual relations and sex education had formed an integral part of the school curriculum. Family planning programmes had been set up and advice on a range of issues was widely available. In Belarus more than 50 per cent of families had only one child, and large families, of four children or more, were becoming less and less popular. However, there were problems in terms of contraception. There were no domestically produced forms of contraception in Belarus and all products and devices had to be imported. However, the lack of hard currency limited the amount of contraceptives Belarus could afford to buy from abroad.

46. In 1991, the Supreme Council of the Republic of Belarus had adopted two measures to try to deal with the problems arising from the accident at the Chernobyl nuclear power station: the national programme for the prevention of genetic disorders arising as a result of the accident and an all-round programme for the protection of mothers and children from the effects of the disaster. Unfortunately, due to a lack of resources neither programme had been fully implemented. However, it should be noted that international organizations had made every effort to provide humanitarian assistance and supply medical equipment and medicines.

47. Miss MASON asked about the incidence of children suffering from emotional or mental problems or trauma, the facilities available to them and what programmes had been set up to help them. She also requested clarification of the reference in the report (CRC/C/3/Add.14) of the educational programmes involving teaching at home, giving details of who the teachers were, any special training they received, if there were enough of them to cover the special needs of children requiring teaching in their own homes and what criteria were used to decide whether parents were competent to teach their children themselves.

48. Mrs. SIVOLOBOVA (Belarus) said that there were nine institutions in the Republic of Belarus catering for mentally retarded and physically handicapped children. Residential homes were available to children whose parents were unable to provide for them in their own homes. In all institutions for disabled children, special care was provided by trained staff. Where children remained in their homes and were cared for by their parents, teachers would be sent from special schools to assist them, providing specialized treatment and education adapted to the needs and abilities of the child. A law on social protection of the disabled had provided for special measures to help children with disabilities to enjoy education suited to their needs. Article 17 of the law provided conditions for rehabilitation in ordinary pre-school institutions or, alternatively, where the child's health precluded attendance, special pre-school institutions were available. For older children unable to attend general or secondary specialized (technical) educational establishments, and who were cared for at home education was provided at home. The time spent by parents caring for a disabled child at home was considered as work time and remunerated as such. Extra-curricular education was also provided to ensure that disabled children were able to cultivate their own interests and to ensure their personal development.

49. Mrs. LEONOVA (Belarus) said that measures devised specifically for children suffering from psychological or emotional problems or trauma had so far not been implemented. However, child psychologists and psychiatrists were available in all polyclinics, and regular examinations were carried out by psychoneurologists, speech therapists or other qualified practitioners.

50. Mr. HAMMARBERG said that he was concerned whether there was full compliance in Belarus with article 27 of the Convention on every child's right to an adequate standard of living, given the grave economic situation. He recalled that a UNICEF/WHO Mission to Belarus in February 1992 had, inter alia, recommended that Belarus should reform its system for assessing the level of benefits so that it was no longer based on a minimum wage but on a well-defined minimum consumer basket and that it should seek to identify the most vulnerable sectors of the population and target benefits accordingly.

51. Mrs. SIVOLOBOVA (Belarus) said that the Republic was reviewing the way in which assistance and benefits were granted. The system based on a percentage of the minimum wage alone led to an unequal distribution of benefits whereby some families received too much and others not enough. Work was also under way on a system under which families would, once a year, fill in an income declaration form, which would be used to assess a family's needs. Benefits could therefore be more effectively targeted and distributed. The most

vulnerable sectors of the population, including single mothers would stand to benefit most.

52. Mr. HAMMARBERG said that problems might arise if benefits were based on once-yearly income assessment if, in the meantime, a family's situation changed for the worse.

53. Mrs. SIVOLOBOVA (Belarus) said that provision had been made for any change in a family's circumstances between the yearly assessments. Local authorities, including factory managers, could recommend and provide immediate assistance out of local budgets to help families in need.

54. The CHAIRPERSON drew attention to the section of the list of issues entitled "Special protection measures" issued in document CRC/C.5/WP.3 which read:

"Special protection measures

Children in situations of emergency (arts. 22, 38 and 39)

1. How does the legislation of Belarus define refugee children? How is article 30 of the Rights of the Child Act being implemented in actual practice?

2. Please provide information on the number of refugee children and asylum-seeking children and their origin.

Children in conflict with the law (arts. 40, 37 and 39)

3. Please describe the actual practice of the treatment of juvenile offenders (para. 103 of the report). What preventive measures and rehabilitation efforts have been envisaged? What are the sanctions envisaged by law for infringement of the rights of juvenile offenders? Are the United Nations rules concerning the administration of juvenile justice taken into account in Belarusian laws?

4. Please describe the institutions called "educational-labour colonies" (para. 112 of the report).

Children in situations of exploitation
(arts. 32, 33, 34,35, 36 and 39)

5. How is the right to education ensured for children who are employed?

6. What practical steps are being taken to stop the increase in the number of young people who are neither undergoing education nor in employment (para. 15 of the report)?

7. Does paragraph 32 of the report mean that only juveniles are allowed to be employed, but not children?

8. Does Belarus consider acceding to the Hague Convention on the Civil Aspects of International Child Abduction of 25 October 1980?"

55. Mrs. BELEMBAOGO asked which ministry was responsible for special education and rehabilitation institutions and how such institutions were staffed. She also wished to know whether any special difficulties were being encountered in their operation and whether they met the real needs in a situation of increasing juvenile delinquency. Some indication of the number of children reintegrated in society after attending such institutions would also be welcome.

56. Mr. KOLOSOV said that he had the impression that the legal requirement for juveniles to be kept separate from adult offenders in detention centres was not observed in practice. He would like to know what action the authorities were taking to correct the situation. Child labour seemed not to be a problem in the towns but it did seem that children had to spend time doing domestic work in rural areas. He would like to know how serious the problem was and how many children missed schooling and leisure activities for that reason. Once again, information about corrective measures would be welcome.

57. Mrs. SARDENBERG said that she would like to have specific replies to issues Nos. 1 and 2 concerning refugee children, in particular whether any improvement of the situation was being achieved by means of collaboration with the Office of the United Nations High Commissioner for Refugees (UNHCR).

58. Miss MASON said that she would welcome an outline of the way children were treated in the criminal justice system. With regard to paragraph 109 of the report for example, she would like to know who undertook the preliminary investigations and who was entitled to participate at the various stages of the process. It was not clear whether the aim of such investigations was to establish innocence or guilt.

59. Mr. HAMMARBERG said that he would like information about the machinery for monitoring the two systems for detention of juvenile offenders to ensure that they complied with national and international standards.

60. Mrs. EUFEMIO asked whether the delegation of Belarus could supply statistical information about economic or sexual exploitation of children in the family. She would like in particular to know how such cases came to light and whether the community took the attitude that it should not interfere in private family matters.

61. The CHAIRPERSON suggested that the delegation of Belarus should also try to give fuller answers to issues Nos. 5, 6, 7 and 8.

62. Mrs. LEONOVA (Belarus) said that Belarus did face a serious problem with regard to the special education and rehabilitation of juvenile offenders in detention. The system of educational-labour colonies had been established by the Soviet Union and offenders might have been sent to any location in the Soviet Union. For example, there had been no facilities for the detention of

girls in the territory of Belarus. Since the breakup of the Soviet Union, Belarus had faced the problem of providing suitable conditions for the detention of juvenile offenders.

63. Juveniles aged under 18 could now be committed to two types of educational-labour colony: the general and the strict regime. Girls could be sent only to general regime colonies regardless of the seriousness of their offence. The strict regime colonies were reserved for boys who had repeated an offence or had to be transferred from a general regime colony for breaking the rules. Such transfers could be ordered only by a court. In general, juveniles reaching the age of 18 while in detention must by law be transferred to an adult facility. However, for purposes of re-education and rehabilitation they could be allowed to remain until age 21 in a juvenile institution, where the living conditions were better than in adult facilities.

64. Apart from being deprived of their freedom, juvenile offenders in detention enjoyed the same rights as when at liberty: they could continue their education and vocational training, engage in leisure activities and receive more frequent visits from their relatives. All juvenile institutions were governed by the requirements issued by the Ministry of Internal Affairs in accordance with the Correctional-labour Code, and the staff of such institutions received special service training. A special department of the Office of the Public Prosecutor was responsible for monitoring compliance with the law in detention centres for juvenile offenders. In cases when deprivation of liberty was not regarded as suitable, the court could send a juvenile offender to a special education institution. Such a measure was not regarded as criminal punishment.

65. A lawyer must be present during the preliminary investigation of juvenile cases. If a juvenile offender was detained pending trial for an offence punishable by deprivation of liberty, a lawyer must be involved in the procedure from the moment of detention. The other categories of persons allowed to participate in such investigations included parents or guardians, and the teachers of children aged under 14. In some cases psychoanalysts and other specialists could be called in, together with a representative of the local commission for minors' affairs. The preliminary investigation of juvenile offences was not governed by special regulations but by the provisions of the regular criminal codes. The conduct of the investigations was the responsibility of the Office of the Public Prosecutor, but investigating committees had now been established which combined the investigatory responsibilities of the Ministry of Internal Affairs and the Office of the Public Prosecutor.

66. The problem of economic or sexual exploitation of children in the family did exist, but few figures were available. It did not seem that local communities played a very big part in bringing such cases to light. In 1993 the courts had considered 1,043 cases in which parents were liable to be deprived of their parental rights. Details of the nature of the offences involved were not available, but the problem must be considerable since in those 1,043 cases all other less severe means of changing the parents' behaviour had proved unavailing. In 1993, 13 persons had been convicted under article 117 of the Criminal Code, concerning sexual relations with minors, and 39 persons had been convicted under article 118, concerning immoral behaviour

with minors. The statistics did not indicate the nature of the crimes involved or whether the convicted persons were family members or outsiders.

67. Mrs. DROZD (Belarus) said that, with regard to issue No. 8, the relevant ministries and departments were currently discussing the accession of Belarus to the Hague Convention on the Civil Aspects of International Child Abduction.

68. With regard to issues Nos. 1 and 2, concerning children in situations of emergency, Belarus did not have a specific law on compulsory emigration, but the authorities were working on legislation which would define the status of refugee in general and the concept of child refugee. At present, therefore, article 30 of the Rights of the Child Act was the only law directly regulating the protection of the rights of child refugees.

69. The refugee situation in Belarus was in fact very serious. Belarus was a transit State for refugees: it was currently sheltering 17,500 refugees and 200,000 other persons temporarily in Belarus while seeking to emigrate to the West. Belarus was therefore a place of settlement for refugees, and the consequent problems were considerable. The Government was certainly aware of them and just a week ago it had begun considering a refugees and displaced persons act. The total of 17,500 refugees included 5,953 children, mostly from the southern Republics of the former USSR.

70. Belarus had established close links with UNHCR and was receiving advisory assistance. A seminar on refugee problems had been held in Minsk in May 1993, and a UNHCR mission had recently visited Belarus to study the refugee situation. It had given a favourable assessment of the draft refugees and displaced persons act. Belarus hoped that such assistance would continue in the future.

71. Mrs. SIVOLOBOVA (Belarus) said that, with regard to the question of children missing school because they were required to do domestic work at home, under article 18 of the Education Act such a situation was only allowed by decision of the council of the education institute concerned. If permission was granted, special arrangements had to be made for the children to make up the lost time. With regard to the education of children already holding jobs, the same article stipulated that general secondary and special education must be provided for them as external students. In order to tackle the problem of young people who were neither undergoing education nor in employment, Belarus had set up a committee on juvenile affairs under the Council of Ministers which was preparing programmes covering all aspects of the employment of young people.

72. Mr. KOLOSOV said that his question about child labour had referred specifically to children in rural areas, and his question about the separation of adults and juveniles in detention centres had not been answered.

73. Miss MASON said that she still did not understand how the system of preliminary investigations worked. It was not clear whether the aim was to determine the innocence or guilt of the juvenile concerned or at what stage such a determination was made. It must be remembered that the Convention stipulated that children must be presumed innocent until proven guilty.

74. Mr. HAMMARBERG said it was still not clear whether conditions in juvenile detention centres were monitored by an independent body and, if so, to whom it reported. He also wished to know whether family life and sex education was available for teenagers and whether parents were able to obtain advice about bringing up their children and family counselling in crisis situations. Another point which was not clear was the division of responsibility between central and local authorities in social matters and between the State and non-governmental organizations.

75. Mrs. SARDENBERG said that she would like to know whether street children constituted a problem and whether there were any special programmes for them in the light of the increased incidence of divorce, prostitution and drug abuse.

76. Mrs. EUFEMIO said that it appeared that few cases of exploitation of children in the family came to light. She would still like to know whether communities took the attitude that they should not interfere in the private life of families, i.e. that parents could treat their children how they wished.

77. Miss MASON said that, in connection with the question just put by Mrs. Eufemio, she would like to know whether law enforcement officers received any special training to deal with children as the victims of crime. With regard to drug abuse, she noted that paragraph 14 of the report said that the moral and mental health of children was a major problem in the changed economic and social conditions. She would like to know what programmes existed for the prevention of drug abuse and treatment of drug addicts.

The meeting rose at 1 p.m.